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HOUSE BILL 115

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ray Begaye

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO INDIAN EDUCATION; IMPLEMENTING REQUIREMENTS OF THE INDIAN EDUCATION ACT; EXPANDING INCENTIVES FOR INTEGRATION OF NATIVE AMERICAN BILINGUAL PROGRAMS IN THE PUBLIC SCHOOLS; CREATING A NATIVE AMERICAN LANGUAGE ENDORSEMENT; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Indian Education Act is enacted to read:

"[NEW MATERIAL] NATIVE AMERICAN LANGUAGE STUDY. --Native American language study shall be part of the core curriculum in New Mexico elementary and secondary schools. Implementation shall include:

A. awarding elective credit for Native American language study on the same basis as credit awarded for Spanish

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1 language study, other foreign language study and American sign
2 language study;

3 B. adopting department rules to include Native
4 American language study as a core academic subject, just as
5 study of modern and classical languages is defined as a core
6 academic subject;

7 C. creating a license enhancement by department
8 rule for Native American languages and a Native American
9 language license endorsement by July 1, 2006; and

10 D. providing a salary enhancement by department
11 rule for holders of the Native American language license
12 endorsement by July 1, 2006. "

13 Section 2. A new section of the Public School Finance Act
14 is enacted to read:

15 "[NEW MATERIAL] NATIVE AMERICAN LANGUAGE EDUCATION PROGRAM
16 UNITS.--The number of Native American language education
17 program units is determined by multiplying the full-time-
18 equivalent MEM in programs implemented in accordance with the
19 provisions of the Indian Education Act by the cost differential
20 factor of 0.5. "

21 Section 3. Section 22-8-18 NMSA 1978 (being Laws 1974,
22 Chapter 8, Section 8, as amended by Laws 2003, Chapter 144,
23 Section 1 and by Laws 2003, Chapter 152, Section 7) is amended
24 to read:

25 "22-8-18. PROGRAM COST CALCULATION--LOCAL SCHOOL BOARD

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RESPONSIBILITY. --

A. The total program units for the purpose of computing the program cost shall be calculated by multiplying the sum of the program units itemized as Paragraphs (1) through ~~(5)~~ (6) in this subsection by the instructional staff training and experience index and adding the program units itemized as Paragraphs ~~(6)~~ (7) through ~~(9)~~ (11) in this subsection. The itemized program units are as follows:

- (1) early childhood education;
- (2) basic education;
- (3) special education, adjusted by subtracting the units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;
- (4) bilingual multicultural education;
- (5) fine arts education;
- (6) Native American language education;
- ~~(6)~~ (7) size adjustment;
- ~~(7)~~ (8) at-risk program;
- ~~(8)~~ (9) enrollment growth or new district adjustment;
- ~~(9)~~ (10) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers; and
- ~~(10)~~ (11) national board for professional teaching standards certification.

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1 B. The total program cost calculated as prescribed
2 in Subsection A of this section includes the cost of early
3 childhood, special, bilingual multicultural, Native American
4 language, fine arts and vocational education and other remedial
5 or enrichment programs. It is the responsibility of the local
6 school board to determine its priorities in terms of the needs
7 of the community served by that board. Funds generated under
8 the Public School Finance Act are discretionary to local school
9 boards, provided that the special program needs as enumerated
10 in this section are met. "

11 Section 4. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
12 Chapter 33, Section 5, as amended) is amended to read:

13 "22-13-1.1. GRADUATION REQUIREMENTS. --

14 A. At the end of grades eight through eleven, each
15 student shall prepare an interim next-step plan that sets forth
16 the coursework for the grades remaining until high school
17 graduation. Each year's plan shall explain any differences
18 from previous interim next-step plans, shall be filed with the
19 principal of the student's high school and shall be signed by
20 the student, the student's parent [~~or guardian~~] and the
21 student's guidance counselor or other school official charged
22 with coursework planning for the student.

23 B. Each student must complete a final next-step
24 plan during the senior year and prior to graduation. The plan
25 shall be filed with the principal of the student's high school

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1 and shall be signed by the student, the student's parent [~~or~~
2 ~~guardian~~] and the student's guidance counselor or other school
3 official charged with coursework planning for the student.

4 C. An individualized education program that meets
5 the requirements of Subsections A and B of this section and
6 that meets all applicable transition and procedural
7 requirements of the federal Individuals with Disabilities
8 Education Act for a student with a disability shall satisfy the
9 next-step plan requirements of this section for that student.

10 D. A local school board shall ensure that each high
11 school student has the opportunity to develop a next-step plan
12 and is reasonably informed about:

13 (1) curricular and course options;

14 (2) opportunities available that lead to
15 different post-high-school options; and

16 (3) alternative opportunities available if the
17 student does not finish a planned curriculum.

18 E. The secretary of public education shall:

19 (1) establish specific accountability
20 standards for administrators, counselors, teachers and school
21 district staff to ensure that every student has the opportunity
22 to develop a next-step plan;

23 (2) promulgate rules for accredited private
24 schools in order to ensure substantial compliance with the
25 provisions of this section;

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1 (3) monitor compliance with the requirements
2 of this section; and

3 (4) compile such information as is necessary
4 to evaluate the success of next-step plans and report annually,
5 by December 15, to the legislative education study committee
6 and the governor.

7 F. Successful completion of a minimum of twenty-
8 three units aligned to the state academic content and
9 performance standards shall be required for graduation. These
10 units shall be as follows:

11 (1) four units in English, with major emphasis
12 on grammar and literature;

13 (2) three units in mathematics, at least one
14 of which is equivalent to the algebra 1 level or higher;

15 (3) two units in science, one of which shall
16 have a laboratory component; provided, however, that with
17 students entering the ninth grade beginning in the 2005-2006
18 school year, three units in science shall be required, one of
19 which shall have a laboratory component;

20 (4) three units in social science, which shall
21 include United States history and geography, world history and
22 geography and government and economics;

23 (5) one unit in physical education or other
24 physical activity;

25 (6) one unit in communication skills or

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1 business education, with a major emphasis on writing and
2 speaking and that may include a language other than English;
3 and

4 (7) nine elective units and eight elective
5 units for students entering the ninth grade in the 2005-2006
6 school year that meet [~~state board~~] department content and
7 performance standards. Student service learning and study of
8 Native American language shall be offered as an elective.

9 G. The department shall establish a procedure for
10 students to be awarded credit through completion of specified
11 career technical education courses for certain graduation
12 requirements.

13 H. Final examinations shall be administered to all
14 students in all classes offered for credit.

15 I. A student shall not receive a high school
16 diploma who has not passed a state graduation examination in
17 the subject areas of reading, English, math, writing, science
18 and social science. The state graduation examination on social
19 science shall include a section on the constitution of the
20 United States and the constitution of New Mexico. If a student
21 exits from the school system at the end of grade twelve without
22 having passed a state graduation examination, [~~he~~] the student
23 shall receive an appropriate state certificate indicating the
24 number of credits earned and the grade completed. If within
25 five years after a student exits from the school system [~~he~~]

1 the student takes and passes the state graduation examination,
2 [~~he~~] the student may receive a high school diploma.

3 J. As used in this section:

4 (1) "final next-step plan" means a next-step
5 plan that shows that the student has committed or intends to
6 commit in the near future to a four-year college or university,
7 a two-year college, a trade or vocational program, an
8 internship or apprenticeship, military service or a job;

9 (2) "interim next-step plan" means an annual
10 next-step plan in which the student specifies post-high-school
11 goals and sets forth the coursework that will allow the student
12 to achieve those goals; and

13 (3) "next-step plan" means an annual personal
14 written plan of studies developed by a student in a public
15 school or other state-supported school or institution in
16 consultation with the student's parent or guardian and school
17 counselor or other school official charged with coursework
18 planning for the student.

19 K. The secretary of public education may establish
20 a policy to provide for administrative interpretations to
21 clarify curricular and testing provisions of the Public School
22 Code. "